

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FELTON L. MATTHEWS, JR.,

Plaintiff,

vs.

C/O FEIL, et al.,

Defendants.

Case No. 3:08-CV-00091-LRH-(VPC)

**ORDER**

Plaintiff has submitted a Motion to Correct the Record (#24) pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. The Court dismissed this action because Plaintiff had not suffered any actual injuries to his right of access to the courts in the three actions that he had identified. All three actions were open, and in the two in which motions were pending, Plaintiff had fully briefed the motions. The Court referred to its own records in reviewing those actions, and Plaintiff has not provided any evidence that the Court's records are incorrect. To the extent that Plaintiff is dissatisfied with the Court's ruling, his contentions are "appropriate for appellate review as opposed to Rule 60(b) relief." McCarthy v. Mayo, 827 F.2d 1310, 1318 (9th Cir. 1987). See also Plotkin v. Pacific Tel. and Tel. Co., 688 F.2d 1291, 1293 (9th Cir. 1982).

///

///

///

///

///

1 Plaintiff has also submitted a Petition for Permission to Appeal In Forma Pauperis (#25).  
2 On at least three (3) occasions, the Court has dismissed for failure to state a claim upon which relief  
3 can be granted, or as frivolous or malicious, civil actions commenced by Plaintiff.<sup>1</sup> Plaintiff cannot  
4 appeal in forma pauperis in this action unless he is in imminent danger of serious physical injury.  
5 See 28 U.S.C. § 1915(g). The allegations do not show that Plaintiff is in imminent danger of  
6 serious physical injury, and thus he must pay the appellate filing fee if he wishes to appeal.

7 IT IS THEREFORE ORDERED that Plaintiff's Motion to Correct the Record (#24) is  
8 **DENIED.**

9 IT IS FURTHER ORDERED that Plaintiff's Petition for Permission to Appeal In Forma  
10 Pauperis (#25) is **DENIED.**

11 DATED this 2nd day of July, 2008.



12  
13  
14 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

---

27 <sup>1</sup>Matthews v. State of Nevada, 3:02-CV-00538-HDM-(RAM); Matthews v. State of Nevada,  
28 2:02-CV-00209-LRH-(PAL); Matthews v. State of Nevada, 2:01-CV-00474-RLH-(LRL).